



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,057	06/01/2000	Joseph H. Holland	AAC-100US	5732

7590 06/07/2004

Mary Jane Boswell  
Morgan Lewis & bockius LLP  
1111 Pennsylvania Ave., N.W.  
Washington, DC 20004

EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/585,057

Applicant(s)

HOLLAND ET AL.

Examiner

Narayanswamy Subramanian

Art Unit

3624

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,40 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to Applicant's communication filed on March 3, 2004 (Paper No. 11). Amendments to claim 1, withdrawal of claims 23-39 with traverse and addition of new claims 40 and 41 have been entered. Claims 1-4, 40 and 41 are pending. The rejections and response to arguments are stated below.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-4, 40 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, it is not clear as to what the Applicants mean by the newly added limitation "to flexibly control transactions". The metes and bounds of this limitation are not clearly defined. Claims 2-4, 40 and 41 are rejected because they depend on the rejected claim 1. Clarification is required. The art rejection below is interpreted in view of the rejection made under 35 U.S.C. 112, second paragraph, and the limitation is interpreted by the examiner to mean "to control transactions".

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al (US Patent) in view of Conklin et al (US Patent 6,338,050 B1).

With reference to claim 1, Ginter discloses a computer implemented method for controlling a commercial environment, said environment comprising a plurality of traders, each of said traders included in at least one of a plurality of members, wherein a said plurality of members are included in at least one of a plurality of communities, said method comprising the steps of: establishing an on-going on-line business to business exchange with rules governing transactions between the plurality of communities, members and traders in a structured environment (See Ginter Column 4 line 63 – Column 6 line 27, Column 13 lines 18-28 and Column 61 lines 23-32); dynamically defining which of said plurality of members in the business to business exchange are included in at least one of said communities to flexibly control transactions in the on-line business to business exchange (See Ginter Column 61 lines 23-32, Column 76 lines 49-65 and Column 77 lines 11-35); dynamically defining which of said plurality of traders in the business to business exchange are included in which of said plurality of members to flexibly control transactions in between said plurality of members (See Ginter Column 61 lines 23-32, Column 76 lines 49-65 and Column 77 lines 11-35), and allowing at least one of said traders to authorize at least one of: a) interaction between a first of said traders and a second of said traders, and b) interaction between a first of said members and a second of said members (See Ginter Column 61 lines 23-32, Column 68 lines 47-49, Column 68 line 65 – Column 69 line 44, Column 70 lines 16-29, Column 71 line 66 – Column 72 line 47, Column 76 lines 49-64, Column 77 lines 11-34 and Column 85 line 38 – Column 86 line 24). The

Art Unit: 3624

clearinghouses disclosed are interpreted to include business to business exchange, the classification hierarchies, schemes, groups,, and/or classes are interpreted to include communities and members and individuals and organizations are interpreted to include traders and the steps of providing rights and permissions are interpreted to include the steps of allowing at least one of said traders to authorize at least one of interaction between a first of said traders and a second of said traders, and interaction between a first of said members and a second of said members.

With reference to claims 2-4 and 41, Ginter teaches the steps designating at least one of said communities in which said first and second of said traders are allowed to interact, wherein interaction between said first and second of said traders is prohibited unless said first and second of said traders belong to said designated community; said members are included in more than one of said communities; allowing said ones of said traders to authorize interaction between any of said traders and ones of said members; creating dynamic individual definitions for each community, member and trader, wherein the definitions determine the relationships between various entities and permit flexible interactions between multiple entities (See Ginter Column 4 line 63 – Column 6 line 27, Column 13 lines 18-28, Column 61 lines 23-32, Column 68 lines 47-49, Column 68 line 65 – Column 69 line 44, Column 70 lines 16-29, Column 71 line 66 – Column 72 line 47, Column 76 lines 49-64, Column 77 lines 11-34 and Column 85 line 38 – Column 86 line 24). The step of defining rights associated with different consumers, classes of consumers, or rights holders and granting rights and permissions are interpreted are interpreted to include all the features of these claims.

With reference to claim 40, Ginter teaches the method of claim 1 as discussed above.

.Art Unit: 3624

Ginter fails to explicitly teach the step of assigning a sponsor to each of the plurality of communities, wherein the sponsor organizes, selectively maintains, and selectively controls the assigned community.

Conklin teaches the steps of assigning a sponsor to each of the plurality of communities, wherein the sponsor organizes, selectively maintains, and selectively controls the assigned community (See Conklin Abstract, Column 14 lines 14-19 and 30-33).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the step of assigning a sponsor to each of the plurality of communities, wherein the sponsor organizes, selectively maintains, and selectively controls the assigned community to the invention of Ginter. The combination of the teaching taken as a whole suggests that the community and all its participants would have benefited from the smooth interaction of all the participants and the avoidance of interruptions.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 3624

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes and Draft or Informal faxes to the Patent Office is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian  
May 27, 2004

Richard Weisberger  
Primary Examiner